

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

\* \* \*

KENNETH THOMAS,

Plaintiff,

v.

GITTERE, et al.,

Defendants.

Case No. 2:22-cv-01919-APG-NJK

**ORDER**

(Docket No. 1)

On November 14, 2022, *pro se* plaintiff Kenneth Thomas, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis* (“IFP”). Docket Nos. 1-1, 1. Plaintiff’s IFP application is incomplete because **Plaintiff did not submit a completed Financial Certificate and a prison trust fund account statement for the previous six-month period**. The Court will therefore deny the application without prejudice and grant Plaintiff an extension of time to correct these deficiencies.

**I. DISCUSSION**

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. *See id.* at § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” LSR 1-1. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate can pay the fee in installments. *See* 28 U.S.C. § 1915(b).

To apply for *in forma pauperis* status, an inmate must submit **all three** of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate** (pages 1–3 of the

1 Court's form) that is properly signed by the inmate twice on page 3;

2 (2) a completed **Financial Certificate** (page 4 of the Court's form) that is properly signed  
3 by both the inmate and a prison or jail official; and

4 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**  
5 **six-month period.**

6 See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. LSR 1-2. As explained above, Plaintiff's application  
7 to proceed *in forma pauperis* is incomplete.

8 **II. CONCLUSION**

9 For the foregoing reasons,

10 **IT IS ORDERED** that Plaintiff's application to proceed *in forma pauperis*, Docket No. 1,  
11 is **DENIED** without prejudice.

12 **IT IS FURTHER ORDERED** that Plaintiff has **until January 20, 2023**, to either pay the  
13 full \$402 filing fee or file a new fully complete application to proceed *in forma pauperis* with all  
14 three required documents: (1) a completed application with the inmate's two signatures on page 3,  
15 (2) a completed financial certificate that is signed both by the inmate and the prison or jail official,  
16 and (3) a copy of the inmate's trust fund account statement for the previous six-month period.

17 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if  
18 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to  
19 refile the case with the Court, under a new case number, when Plaintiff can file a complete  
20 application to proceed *in forma pauperis* or pay the required filing fee.

21 The Clerk of the Court will send Plaintiff a courtesy copy of the original application to  
22 proceed *in forma pauperis*, Docket No. 1, and the approved form application to proceed *in forma*  
23 *pauperis* for an inmate and instructions for the same. The Clerk will retain the complaint, Docket  
24 No. 1-1, but will not file it at this time.

25 **DATED:** November 21, 2022.

26 

27 NANCY J. KOPPE  
28 UNITED STATES MAGISTRATE JUDGE